

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/11/2015

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.35722 of 2015  
and  
M.P.Nos.1 and 2 of 2015

Chithiraikumar.T ... Petitioner

Vs

The Revenue Officer  
Zone 13  
Corporation of Chennai. ... Respondent

Prayer :-Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari to call for the records of the respondent in his notice dated 30/10/2015 and to quash the same as being illegal.

For petitioner .. M/s.N.Kavitha Rameshwar

For respondents .. Mr.P.V.Selvakumar

O R D E R

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2. Heard M/s.N.Kavitha Rameshwar for the petitioner and Mr.P.V.Selvakumar for the respondent.

3. The petitioner, who is running a chicken stall at No.39, L.B.Road, Adyar, Chennai 20, seeks for quashing the notice issued by the respondent dated 30<sup>th</sup> October, 2015.

4. The impugned notice is challenged on the ground that though 7 days has been granted in the impugned notice dated 30<sup>th</sup> October 2015, on the very next day, i.e., on 1<sup>st</sup> November, 2015, the respondent came to the petitioner's shop and threatened to close down the shop.

5. It is seen that in the notice dated 30<sup>th</sup> October, 2015, three violations have been pointed out and all the three violations pertain to the alleged unhygienic condition of the chicken stall. It is true that the petitioner has been granted seven days time to rectify the defects pointed out. The petitioner would state that at the behest of

certain other persons, the Corporation officials are taking action against the petitioner. However, this averment is not substantiated nor any third party is impleaded in the writ petition. Hence the allegation of exercise of power for alleged mala fide reasons stands rejected.

6. It is to be noted that the petitioner is before this Court for the second time. Earlier, he filed a writ petition being W.P.No.24114 of 2013 and the said writ petition was disposed of on 27<sup>th</sup> August 2013 with a direction to the authorities to inspect the shop whether he is doing the business in a clean atmosphere and in accordance with the relevant regulations and if the petitioner failed to maintain the shop in a clean condition, it was left open to the authority to take further action in the matter. Further, there was a direction not to take any coercive action on the petitioner till final orders are passed. Once again, the petitioner is before this Court stating that repeatedly the official is disturbing the petitioner.

7. In the light of all the above facts, this Court is not inclined to quash the impugned notice on the grounds raised by the petitioner and it would suffice to direct the respondent to conduct a surprise inspection of the petitioner shop within a period of seven days from the date of receipt of a copy of this order and on such inspection, if it is found that the shop is not maintained in a hygienic manner and the petitioner has not rectified the defects pointed out in the impugned notice, then it is open to the respondent to take action in accordance with law. Till further orders are passed in terms of the above direction, no coercive action shall be initiated against the petitioner.

8. This writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.  
Mvs.

Sd/-

Assistant Registrar (CS-II)

सत्यमेव जयते

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Sub-Assistant Registrar

To

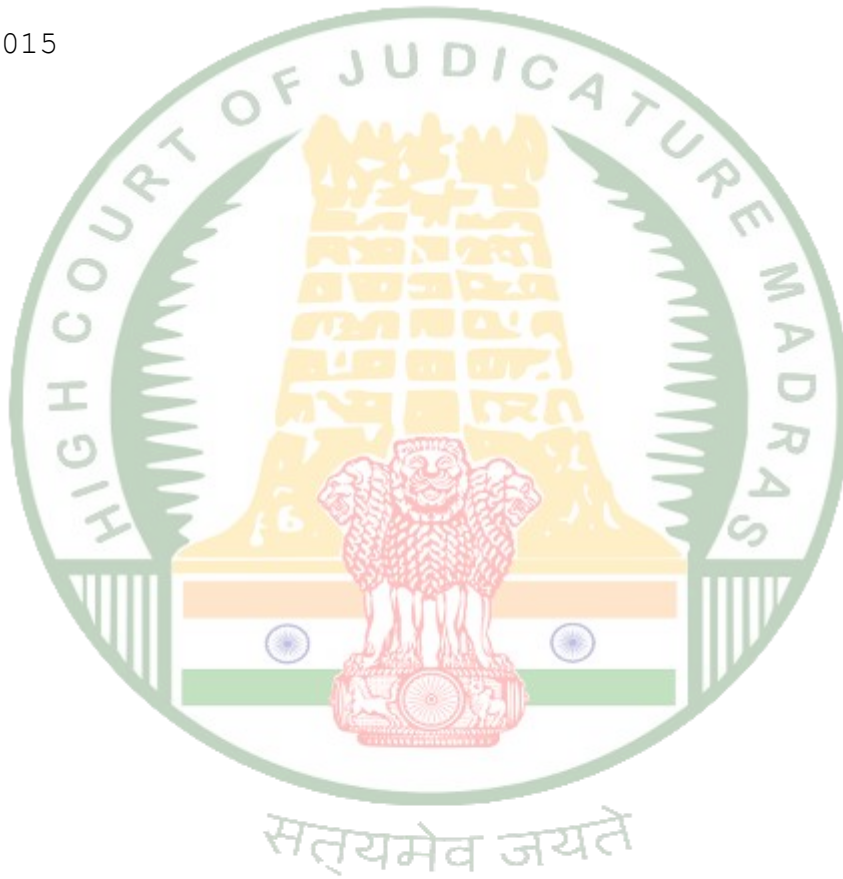
The Revenue Officer  
Zone 13  
Corporation of Chennai.

+1 C.C. To MR.N.Kavitha Rameshwar, Advocate in SR.NO.60574

+1 C.C. To MR.P.V.Selvakumar, Advocate in SR.NO.60785

W.P.No.35722 of 2015

SV(CO)  
sd : 05/11/2015



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